

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**MICHAEL HYDE**  
**Plaintiff,**

**v.**

**STATE OF MASSACHUSETTS ET AL.,**  
**Defendants.**

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**Civil Action No. 04-12429-RWZ**

**DEFENDANTS' MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(6), the defendants in the above-captioned civil rights action respectfully move this Court to dismiss the action for failure to state a claim upon which relief under 42 U.S.C. § 1983 can be granted.

A memorandum in support of this motion is submitted.

Respectfully submitted,

**THOMAS F. REILLY**  
**ATTORNEY GENERAL**  
/s/ Annette C. Benedetto

**Annette C. Benedetto**  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the the following persons by first-class mail, postage pre-paid, on September 30, 2005, addressed as follows:

**Plaintiff**

**Michael J. Hyde  
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**/s/ Annette C. Benedetto  
Annette C. Benedetto  
Assistant Attorney General**